

Response to Office Action mailed Dec. 6, 2004  
Serial No. 10/042,955

Atty Dkt. No. 113937-002

### REMARKS

The Examiner has made six separate rejections of the pending claims under 35 U.S.C. §103(a) in paragraphs 3-8 of the Office Action. Each of these rejections requires *Mallik* (U.S. Patent No. 6,533,884) as a part of the rejection. Because *Mallik* issued after the filing date of this application on March 18, 2003, and was filed on November 3, 2000, it is prior art under 35 U.S.C. §102(e). Applicants submit herewith a Declaration under 37 C.F.R. 1.131 by joint inventor Brent Anderson averring that he conceived the claimed invention prior to November 3, 2000, and worked on this matter diligently thereafter. Mr. Anderson explains that he conducted two small-scale test runs starting in the first quarter of 2000. In the first test run, Mr. Anderson designed and implemented a temporarily modified chill roll to produce a desired texture pattern on an extrusion laminated multiple layer film. After successful completion of this run, Mr. Anderson designed and implemented a permanently modified, small-scale chill roll. Upon successful completion of this second test run, Mr. Anderson designed and ordered a full size modified chill roll for commercial scale production of a multiple layer, extrusion laminated film having an outer surface textured in a pattern to provide fluid pathways on the film.

Mr. Anderson's statements provide proof that he worked on this project continuously from the date of conception, which was prior to the filing date of *Mallik*, and up to the time of filing of this patent application. Accordingly, *Mallik* should be excluded as a reference by virtue of this Declaration. Further, the Examiner cannot rely on *Mallik* in any combination, and, therefore, Applicants respectfully request a withdrawal of the six rejections requiring *Mallik*.

### **Conclusion**

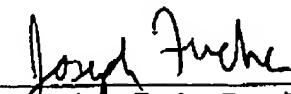
In view of the foregoing, Applicants submit the claims are in condition for allowance and respectfully request an early notice of the same.

Respectfully submitted,

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BY

  
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